

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appl. No. : 10/782,985 Confirmation No. 7147
Appellant : Robert S. Kolman, et al.
Filed : February 20, 2004
TC/A.U. : 2173
Examiner : N. Pillai
Docket No. : 10030895-01

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

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This Appeal Brief is submitted in response to the Final Office Action mailed February 20, 2009, and the Advisory Action mailed on May 12, 2009.

Appellant filed a Notice of Appeal on June 22, 2009. The Notice of Appeal was received by the United States Patent and Trademark Office on June 29, 2009. This Appeal Brief is being submitted on August 31, 2009 (August 29, 2009 being a Saturday).

Real Party in Interest

The real party in interest is VERIGY PTE LTD., assignee of the above captioned patent application. VERIGY PTE LTD. is a Singaporean company having its principal place of business in Singapore, Singapore.

Related Appeals and Interferences

There are no related appeals and/or interferences.

Status of Claims

Claims 2-10 and 12-21 are pending in this application.

Claims 2-10 and 12-21 currently stand rejected.

Claims 1 and 11 are canceled.

Claims 2-10 and 12-21 are being appealed.

A copy of the appealed claims is attached as a Claims Appendix to this Appeal Brief.

Status of Amendments

An Amendment was filed on June 14, 2007, in response to the non-final Office Action mailed on March 16, 2007. An After Final Response was filed on October 3, 2007, in response to the final Office Action mailed on August 3, 2007. An Advisory Action was mailed on October 16, 2007. A Request for Continued Examination was filed on December 3, 2007, along with a request to re-enter the After Final Response originally filed on October 3, 2007. Another Amendment was filed on June 20, 2008 in response to a new non-final Office Action that was mailed on March 20, 2008. A corrected Listing of Claims was filed on October 29, 2008, in response to a Notice of Non-Compliant Amendment mailed on September 29, 2008. An After Final Amendment was filed on February 20, 2009, in response to the final Office Action mailed on April 20, 2009. An Advisory Action was mailed on May 12, 2009, in which the Examiner indicated that the amendments to the claims set forth in the After Final Amendment filed on February 20, 2009, would be entered, but that the application was not in condition for allowance. Appellant submits that all amendments to the claims have been entered.

Summary of Claimed Subject Matter

The invention is variously embodied. Independent claims 20 and 21 are summarized below.

In Claim 20, a system 10 includes a display screen 6 of a monitor 3, a keyboard 4 as a user interface, and a workstation 22 that includes a computer readable medium upon which a test software 26 operates. *See* FIG. 1 (Illustration A below) and the description at paragraph [0033-0034]. The computer readable medium includes computer code for displaying a high level map structure panel 120 on a display monitor 4. *See* FIG. 7 (Illustration B below) and the description at paragraph [0058]. The high level map structure panel includes a high level map display 160 including a test flow map structure, which relates to a flow of tests for testing at least one device on a first image scale. *See* paragraph [0059]. The computer readable medium also includes computer code for displaying a panning window 130 on the display 4 that is moveable from a first position in the high level map structure panel to a second position in the high level map structure panel by way of a continuous panning motion from the first position to the second position to select a subportion of the displayed map structure. *See* paragraph [0060] and FIGS. 7 & 8 shown in Illustration B below. The computer readable medium also includes computer code for displaying a detailed substructure panel 110 on the display 4 that displays the selected subportion of the map structure 160 on a second image scale greater than the first image scale. *See* FIG. 7 and the description at paragraph [0060].

Claim 21 is directed to a method for displaying a flow of tests for testing at least one device. The method includes displaying a map structure 160 relative to the test data on a first image scale and a first area 120 of a display 4. *See* FIG. 7 and the description at paragraph [0058-0059]. The method also includes providing a panning window 130 which is moveable from a first position in the high level map structure panel 120 to a second position in the high level map structure panel 120 by way of a continuous panning motion from the first position to the second position to select a subportion of said display map structure 160. *See* FIG. 8 and the description at paragraph [0060-0061]. The method also includes displaying said selected subportion 130 of said map structure 160

on a second image scale greater than said first image scale in a second area 110 of said display screen 4. *See* FIGS. 7 & 8 and the description at paragraph [0058-0061].

Illustration A: FIG. 1 of the Present Application

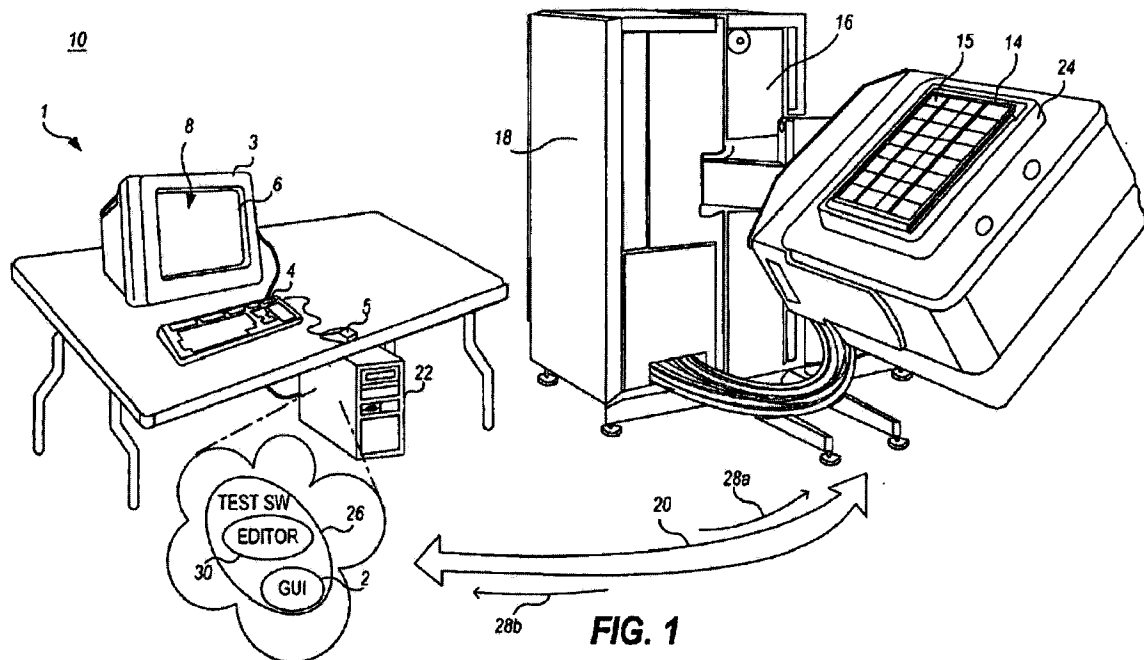


Illustration B: FIGS. 7 & 8 of the Present Application

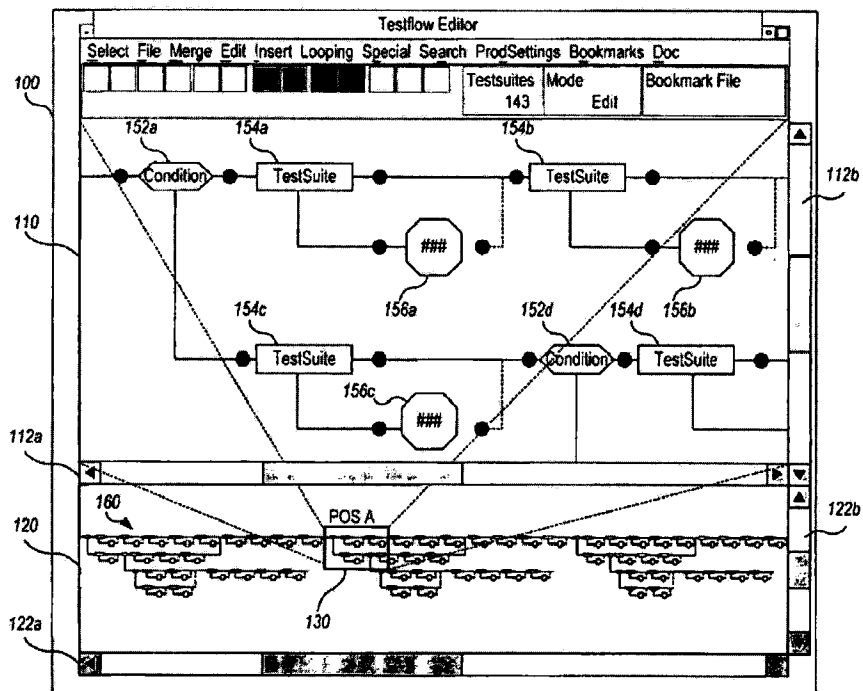


FIG. 7

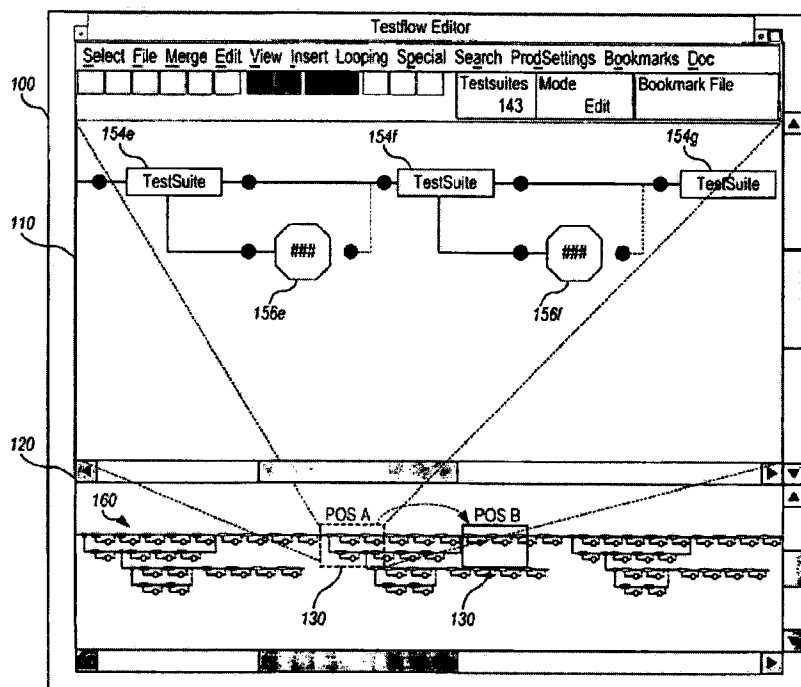


FIG. 8

Grounds of Rejection to be Reviewed on Appeal

1. Whether claims 20 and 21 should be rejected under 35 U.S.C. 103(a) as being unpatentable over Brandau et al. (US 6,111,561) in view of Organ et al. (US 7,047,463 B1).
2. Whether claims 3-10 and 12-19 should be rejected under 35 USC 103(a) as being unpatentable over Brandau et al. (US 6,111,561) in view of Organ et al. (US 7,047,463 B1) and Wood et al. (US 2004/0006425 A1).
3. Whether claim 2 should be rejected under 35 USC 103(a) as being unpatentable over Brandau et al. (US 6,111,561) in view of Organ et al. (US 7,047,463 B1), Wood et al. (US 2004/0006425 A1) and Chong et al. (US 2003/0142117 A1).

Argument

1. Whether claims 20 and 21 should be rejected under 35 U.S.C. 103(a) as being unpatentable over Brandau et al. (US 6,111,561; hereinafter “Brandau”) in view of Organ et al. (US 7,047,463 B1; hereinafter “Organ”).

Claim 20

In responding to Appellant’s previous arguments for allowability, the Examiner notes in his Final Office Action that:

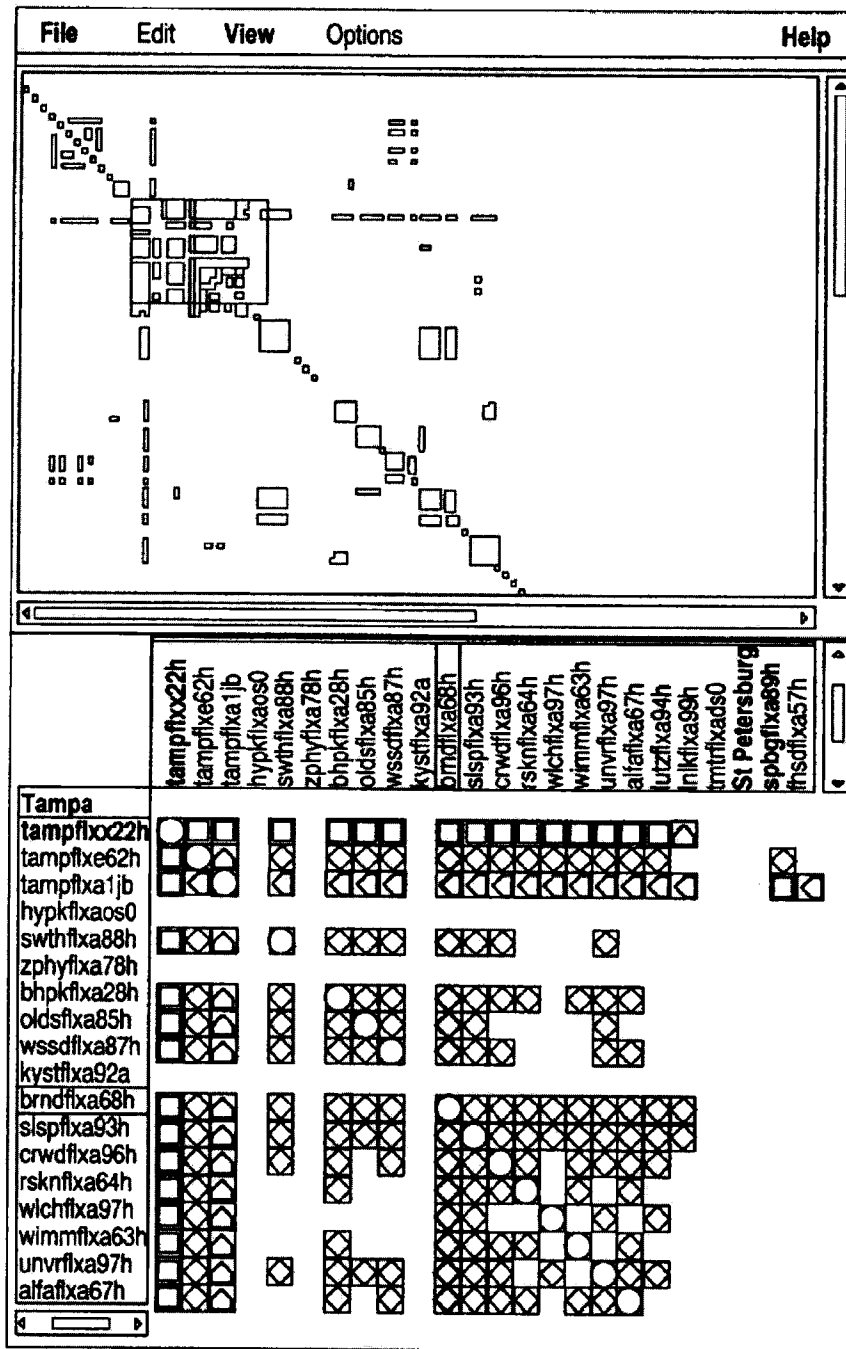
Brandau does not disclose a high level map display including a test flow map structure, which relates to a flow of tests for testing at least one device. Organ discloses displaying a test flow map structure which relates to a flow of tests for testing at least one device (Figure 5A and column 2, lines 8-12). It would have been obvious to one skilled in the art at the time of the invention to learn from Organ a high level map display including a test flow map structure, which relates to a flow of tests for testing at least one device.

See February 20, 2009 Final Office Action, p. 3, lines 13-20.

Appellant respectfully traverses these assertions by the Examiner.

Brandau discloses a panning rectangle that is movable over a densely packed overview panel. The contents of the overview panel captured within the panning rectangle are displayed in a second windowing panel as described with reference to FIG. 2 (*see* Illustration C below). The system disclosed by Brandau is related to displaying network nodes and links in a large telecommunications network and is completely unrelated to the automated multisite testing disclosed by Organ.

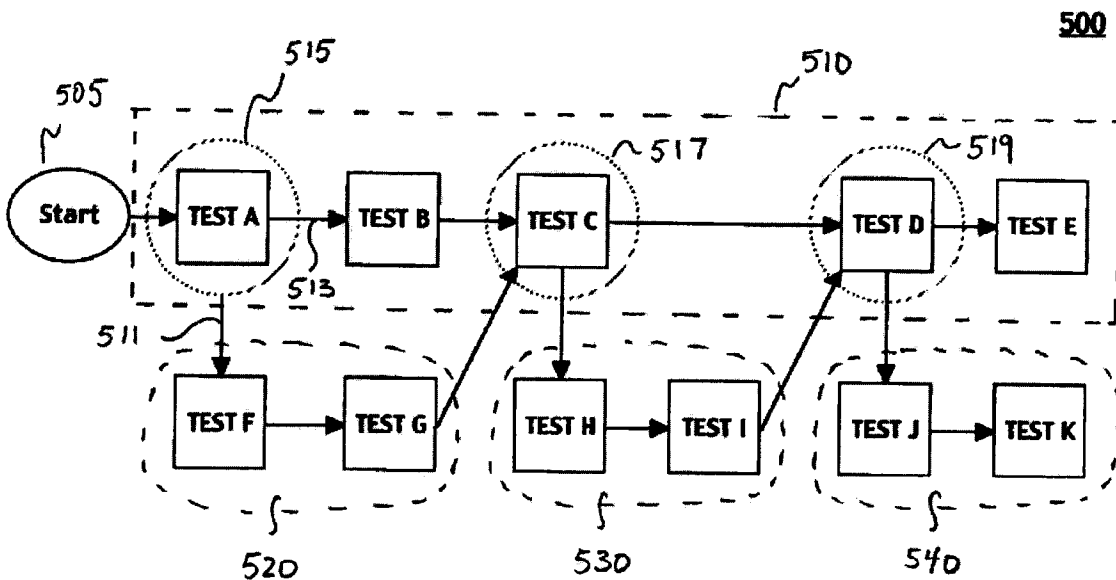
Illustration C: FIG. 2 of Brandau



Organ is directed to an automated multisite testing system and related methods. Although Organ shows a test flow in diagrammatic form in Figure 5A

(see Illustration D below), there is no disclosure or suggestion by Organ that the test flow diagram is (or should be) displayed. Rather, Organ merely provides a graphical illustration of an exemplary test flow so that a reader of Organ's disclosure can visualize how a system automatically and recursively walks through a plurality of testing operations in a test flow. Nowhere does Organ indicate that a system displays the test flow of Figure 5A. Without such a teaching or suggestion, there would be no motivation for one of skill in the art reviewing Organ to display the test flow of Figure 5A. Furthermore, there would be no motivation to combine the exemplary test flow of Figure 5A of Organ, which is provided merely as an illustrative tool rather than a teaching of displaying the test flow, with the detail windowing panel disclosed by Brandau.

Illustration D: FIG. 5A of Organ



Neither Brandau nor Organ discloses or suggests that a test flow map structure can or should be displayed, or that a user might have a need to (or want to) perform a pan or zoom operation with respect to a test flow map structure. Thus, Brandau and Organ, alone or in combination, fail to disclose or render obvious “computer code for displaying a high-level map structure panel on said

display; said high level map display including a test flow map structure, which relates to a flow of tests for testing at least one device, on a first image scale,” as required by claim 20.

Further, since none of the cited references disclose or suggest displaying a high-level map display including a test flow map structure, there is no teaching or suggestion of “displaying a panning window on said display, said panning window being movable from a first position in the high-level map structure panel [which includes a test flow map structure] to a second position in the high-level map structure panel [which includes a test flow map structure] by way of a continuous panning motion,” as further recited in claim 20.

Thus, Appellants submit that Brandau and Organ, alone or in combination, do not teach or suggest every element of claim 20. Appellants submit that claim 20 is allowable.

Claim 21

Claim 21 includes many of the same or similar limitations recited in claim 20. Claim 21 recites in part (emphasis added in italics):

A method for displaying *a flow of tests for testing at least one device*, the method comprising the steps of:

displaying a map structure relative to said test data on a first image scale in a first area of the display;

providing a panning window which is movable from a first position in the high-level map structure panel to a second position in the high-level map structure panel by way of a continuous panning motion from the first position to the second position to select a sub-portion of said displayed map structure;

For reasons similar to those discussed above, Appellant submits that Brandau and Organ fail to disclose or suggest displaying a flow of tests for testing at least one device. Brandau is directed to a system that displays the status of network nodes and links in a large telecommunications network using an overview window. Brandau clearly fails to provide any disclosure related to displaying a flow of tests or a map structure relative to

test data. Organ fails to disclose displaying a flow of tests for at least those reasons discussed above related to claim 20. Therefore, Appellant submits that Brandau and Organ, alone or in combination, fail to disclose or render obvious every limitation of claim 21.

2. Whether claims 3-10 and 12-19 should be rejected under 35 USC 103(a) as being unpatentable over Brandau et al. (US 6,111,561; hereinafter “Brandau”) in view of Organ et al. (US 7,047,463 B1; hereinafter “Organ”) and Wood et al. (US 2004/0006425 A1; hereinafter “Wood”).

Claims 3-10 and 19 depend from claim 20. Claims 12-18 depend from claim 21. Claims 20 and 21 are allowable over the prior art of record for at least those reasons discussed above. Wood fails to remedy the deficiencies of Brandau and Organ as they relate to claims 20 and 21. Therefore, Appellant submits that claims 3-10 and 12-19 are allowable for at least the reason they are dependent upon an allowable base claim. Appellant does not otherwise concede the correctness of this rejection.

3. Whether claim 2 should be rejected under 35 USC 103(a) as being unpatentable over Brandau et al. (US 6,111,561; hereinafter “Brandau”) in view of Organ et al. (US 7,047,463 B1; hereinafter “Organ”), Wood et al. (US 2004/0006425 A1; hereinafter “Wood”) and Chong et al. (US 2003/0142117 A1; hereinafter “Chong”).

Claim 2 depends from claim 20. Claim 20 is allowable over the prior art of record for at least those reasons discussed above. Wood and Chong fail to remedy the deficiencies of Brandau and Organ as they relate to claim 20. Therefore, Appellant submits that claim 2 is allowable for at least the reason it is dependent upon an allowable base claim. Appellant does not otherwise concede the correctness of this rejection.

4. Conclusion

In summary, the art of record does not teach nor suggest the subject matter of Appellants' claims 2-10 and 12-21. These claims are therefore believed to be allowable.

Respectfully submitted,
Holland & Hart, LLP

Dated: August 31, 2009

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Claims Appendix

1. (Canceled)

2. A system in accordance with claim 20, comprising:

computer code for displaying a graphical switch on said display that allows said panning window to be activated or inactivated, whereby inactivation of said panning window removes said panning window from said display and enlarges said high-level map structure panel.

3. A system in accordance with claim 20, wherein:

computer code for providing a search and highlight function, said search and highlight function allowing input of a search criteria, in an data entry manner and not solely from a predetermined menu of searchable criteria, and highlighting elements in said map structure displayed in said high-level map structure panel that meet said search criteria.

4. A system in accordance with claim 3, wherein:

said search and highlight function allows input of a plurality of search criteria and highlights elements in said map structure displayed in said high-level map structure panel that meet said search criteria.

5. A system in accordance with claim 4, wherein:

said search and highlight function visually differentiates highlights generated according to respective search criteria.

6. A system in accordance with claim 3, comprising:

computer code for displaying a graphical switch on the display that allows said search and highlight function to be activated or inactivated.

7. A system in accordance with claim 20, wherein:

computer code for providing a highlight function, said highlight function allowing input of a highlight selection criteria and highlighting elements in said map structure displayed in said high-level map structure panel that meet said highlight selection criteria.

8. A system in accordance with claim 7, wherein:

said highlight function allows input of a plurality of highlight selection criteria and highlights elements in said map structure displayed in said high-level map structure panel that meet said highlight selection criteria.

9. A system in accordance with claim 8, wherein:

said highlight function visually differentiates elements highlighted according to different respective highlight selection criteria.

10. A system in accordance with claim 7, comprising:

computer code for displaying a graphical switch on the display that allows said highlight function to be activated or inactivated.

11. (Canceled)

12. A method in accordance with claim 21, comprising:

displaying a selectable search and highlight function that accepts search criteria input in a data entry manner and not solely from a predetermined menu of searchable criteria and highlights elements in said map structure displayed in said first area of said display screen that meet said search criteria input.

13. A method in accordance with claim 12, wherein:

said search and highlight function accepts simultaneous input of a plurality of search criteria and highlights elements in said map structure displayed in said first area of said display screen that meet said search criteria input.

14. A method in accordance with claim 13, further comprising the step of:

visually differentiating highlighting elements highlighted according to different respective search criteria.

15. A method in accordance with claim 21, comprising:

displaying a highlight function that accepts highlight selection criteria input and highlights elements in said map structure displayed in said first area of said display screen that meet said highlight selection criteria input.

16. A method in accordance with claim 15, wherein:

said highlight function accepts simultaneous input of a plurality of highlight selection criteria and highlights elements in said map structure displayed in said first area of said display screen that meet said highlight selection criteria input.

17. A method in accordance with claim 16, further comprising the step of:

visually differentiating highlighted elements highlighted according to different respective highlight selection criteria.

18. A method in accordance with claim 21, wherein the continuous panning motion comprises a drag-and-drop action.

19. A system in accordance with claim 20, wherein the continuous panning motion comprises a drag-and-drop action.

20. A system having a display, a user interface, and a computer readable medium, the computer readable medium comprising:

computer code for displaying a high-level map structure panel on said display; said high level map display including a test flow map structure, which relates to a flow of tests for testing at least one device, on a first image scale;

computer code for displaying a panning window on said display, said panning window being movable from a first position in the high-level map structure panel to a second position in the high-level map structure panel by way of a continuous panning

motion from the first position to the second position to select a sub-portion of said displayed map structure; and

computer code for displaying a detailed sub-structure panel on said display; said detailed sub-structure displaying said selected sub-portion of said map structure on a second image scale greater than said first image scale.

21. A method for displaying a flow of tests for testing at least one device, the method comprising the steps of:

displaying a map structure relative to said test data on a first image scale in a first area of the display;

providing a panning window which is movable from a first position in the high-level map structure panel to a second position in the high-level map structure panel by way of a continuous panning motion from the first position to the second position to select a sub-portion of said displayed map structure; and

displaying said selected sub-portion of said map structure on a second image scale greater than said first image scale in a second area of said display screen.

Evidence Appendix

No extrinsic evidence was relied upon to support the arguments herein.

Related Proceedings Appendix

Appellant is unaware of any Board or court proceedings related to this Application.